

You are here: [Home](#) > [Q&A's](#) > [Fees](#)

When will we know what the court fees are?

☰ Parent Category: [About the UPC](#)



☰ Category: [Fees](#)

The Preparatory Committee will prepare the proposals for the level of the court fees. The users of the European patent system will be consulted and then the level of the fees will be decided by the Administrative Committee of the UPC.

How much will it cost to litigate before the UPC?

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☰ Category: [Fees](#)

The court fees shall consist of a fixed fee, combined with a value-based fee above a pre-defined ceiling. The fees shall be fixed at such a level as to ensure the right balance between the principles of 1) fair access to justice, in particular for small- and medium sized enterprises as well as other similar entities and 2) an adequate contribution of the parties to the costs incurred by the UPC (Article 36.3 of the UPC Agreement).

The costs of litigation in the UPC may, not necessarily always, but on some occasions supersede the costs incurred today for litigating in one single Contracting Member State. However, the fact that the UPC will have jurisdiction for a large group of EU Member States means that the expenses and bureaucracy of parallel litigation will disappear. The decisions of the UPC will, once all the participating Member States have ratified the Agreement, have effect in 25 Member States of the European Union, and thus cover a considerable market.

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